Edn & P.H (1943) **Department.**

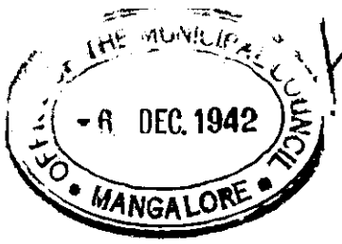
Ms. **SERIES.**

G.O. No. 1798
P.H
58

Dated 30-7-1943

[Despatch Abstract.]

Town-Planning - Mangalore Municipality - Court war Town-Planning Scheme Petition from the Parishioners of the Milagres Church, Mangalore - Interference - Declined.



Mangalore,
8-11-1942.

To

The Secretary to the Government of Madras,
Local Self Government,
Fort St.George,
Madras.

From,

The Parishioners of the Milagres Church,
Hampankatta, Mangalore.

Sir,

Subject:- Notification dated 26-11-1941 No.1 under Section 10 of the Town Planning Act - objection petition against resolution.

To our surprise the Mangalore Municipal Council has passed on 10-3-1941 a Resolution under Section 9 of the Madras Town Planning Act that it has decided to propose a Town Planning Scheme for an area of 175 acres 40 cents comprised mostly of present Court Ward No.15 (corresponding to portions of Old Court and Cantonment Wards) and published it under Section 10 of the above Act in the South Kanara District Gazette supplement dated 27-11-1941, and under a notice dated 14-2-1942, called for a meeting of the owners of lands concerned in the above area at the Milagres Secondary School on 12-3-1942. At the meeting which was presided over by the Chairman of the Municipality it was discovered that there was neither any intelligible plan nor any intelligible scheme to show what was wrong in the area and how it was proposed to better it. The Ward Councillor and Member of the Town Planning Committee, Mr.C.L.Lobo, Vakil Mr. P.D'Souza on behalf of a large number of the affected owners and also other persons interested spoke against the Resolution, and the Chairman ended the meeting promising to hold another one at which a proper plan and a detailed scheme would be placed be-

fore the owners. This has not yet taken place though the statutory limit of 12 months for consultation with the owners would expire on 26-11-1942. Meanwhile the Chairman and the majority of the members of his Council have ended themselves by resigning from the Council in sympathy with the Congress. Thus the Council as well as the Town Planning Committee to which the powers of the Council were delegated in 1938 are legally dead.

2. This is a petition objecting to the above resolution. We who are the residents of the area and are to be affected by the scheme for good or evil know what is best for us. We learn that almost none of the councillors who sponsored the resolution own any land in the locality. The Council consisted mostly of Congress Members. Their loyalty to civic affairs had necessarily to be subordinate to their interests in the Congress; and while the interests of Congress adherents were safe in their hands, their attitude has been, to us who are loyal, law-abiding citizens, one of sore trial and submission to the inevitable and fraught with indifference in the matters of civic amenities, improvements, taxation, licenses, encroachments, etc. In these circumstances we have to stress the conduct of the councillors in reference to the resolution for Town Planning for our area, shutting their eyes to the localities which are a menace to the clean and healthy portions of the town and for which Town Planning Schemes were listed up for working 15 or more years ago.

3. While the people have been generally ignorant of the provisions and implications of the Act until recently the Guliga Hithlu Scheme owners were flooded with demand for betterment tax for 3 years from 1939-40 and a similar fate over hangs the Falnir Scheme people, it would be interesting briefly to refer to the behaviour of the Municipal Council itself. Though the Act was passed in 1920, no action was taken by the Council till February 1924 when the Director of Town Planning visited Mangalore and put forward 5 proposals for the consideration of the Council. These were:-

(1) opening out the area known as Guliga Hithlu at Hampankatta,

(2) straightening out a short section of the Car Street with a view to eliminate 4 right angle turns to get the sea-breeze in,

(3) removal of a row of buildings adjacent to the Venkatramana Temple with a view to relieving traffic congestion and creating an open space,

(4) opening out the area known as "Macmin's Garden",

(5) opening out the garden known as Mammale Hithlu, opposite to the Railway Goods Yard and running roads into it.

Of these, Nos.(2) and (3) appear to have been carried out, in 1925 or later without any betterment tax being levied.

4. In 1926 the Council resolved to undertake the following schemes:-

(1) Riverside improvement including in it the

Mammale Hithlu improvement.

(2) The Guliga Hithlu Improvement.

(3) Macmin's Garden Improvement.

(4) Central and Market Ward improvement excluding Block 10 of the Market Ward.

(5) Kodialbail East Ward.

(6) Kodialbail West Ward.

(7) Block 10 of Market Ward.

In 1927 the Council submitted schemes for items (2) and (7) and for failure to submit the remaining schemes, Government by notification under Section 12 of the Act directed the Council to submit schemes for items (5) and (6) and for 2 more schemes, Viz,

(8) Falnir Scheme.

(9) Railway and Nandigudda road scheme.

5. In 1929 items (5) and (6) were submitted to Government for sanction and Mr. Rutherford was appointed as Arbitrator for item (7). But his valuation was too high for the Council which modified the scheme from 2 roads into only one with proposal for selling road margins as shop sites, the owner in this case being a lunatic. This as well as item (2) were finally executed in 1937. Items (5) and (6) were submitted to Government for sanction in 1932 and (8) and (9) in 1935-36. Of these only item (8) Falnir Scheme has been sanctioned and execution is in progress. The rest are still pending. Meanwhile in 1938 the Council notified one more scheme (item 10),

Court Ward 15 scheme (area 148-15 acres) which has now been modified into an area of 176-40 acres and which is the subject of this memorial. We are not aware what sort of disposal has been given to schemes (1), (3) and (4), although a number of improvements have been carried out in the areas covered by these schemes, as also in those comprised in items (5), (6) and (9) to the extent of about 1½ lakhs rupees from General Funds with no recoupment, at least in part, by way of betterment tax.

p579 of Madras Code Vol III

6. Under Section 8 of the Act it was incumbent on the Council to prepare, publish and submit, for the sanction of Government before 31-3-1934 a General Town Planning Scheme determining the lines on which the improvement and development of the area within the Municipality and in its vicinity should proceed and providing for such of the matter as are referred to in Section 4. Rule 26 of the Rules of 1933 elucidates the subject further by stating that such a scheme shall provide for a settled policy and plan for the improvement and development of the town finally and to control both municipal and private activities connected therewith and distinction is made as regards the needs of the public generally as opposed to the needs of particular areas. Under Rule 24-(3). the requirements of the town as affecting the public in general have to be furnished in the scheme. Rule 30 makes it clear that every draft Town Planning Scheme prepared under Section 9 to 14 of the Act shall follow or conform to the general Town Planning Scheme sanctioned by the Government and as for the time being in force. It is now more than 8 years since 31-3-1934 and still a General Scheme has neither been published nor submitted for

p4 of G.O. 632 PH 16.3.33 (V)

p3 (V)

p4 (V)

Collr.'s remarks on pp 5-3 infra and D.T.P.'s remarks on pp 57-58 infra

sanction of Government, and things are being carried on in disregard of the Act and Rules behind the back of the public.

Collr's remarks on p53 infra & DTS remarks on pp 57-58 infra

7. In the present draft Town Planning Scheme which has reached the stage of discussion and consultation with the owners, such consultation in the absence of a General Town Planning Scheme, would be a mere farce and a patent illegality as we shall not be in a position to know how our interests as members of the public in general and as residents of the particular area concerned, are affected. We request therefore that the resolution of the Municipality be suspended.

8. In the scheme a sweeping area of 176 acres (originally 148 acres) has been notified in utter disregard of the fact that more than three-fourth of it is the best residential portion of the town and has both rural and urban amenities. It harbours the fine Edyah or Old Light House Hill on which stand the magnificent St.Aloysius' College buildings and its grounds, the Civil Court buildings, the Judge's Bungalow, the European Club, the Ladies Club, the Public Recreation Ground, the Mahila Sabha, Bank buildings, etc. On the slopes are fine garden houses, open fields, the large block of the Milagres Church buildings and the schools and houses of the Church, a Harijan School and Seva Asrama buildings. Such an area would require no planning; it has been already planned and maintained by respectable owners mostly of the Christian Community who are accustomed to clean and healthy living. In fact the City takes the name of a "Garden City" on account of this area and in

recent years leading Hindu gentlemen are seeking residence in these garden properties. Perhaps the only insanitary spot in this area is the block known as Kudumbi Hithlu about 10 acres in extent once inhabited by Kudumbi Hindus, most of whom under stress of poverty have sold their tenements to poor people. This particular block might, if necessary, be improved by demolition of insanitary houses and running sanitary lanes. The only other improvement needed is a road through the Candle Gardens area connecting the Shedigudda road with the trunk road from north to south. These improvements could be done at the expense of those people who would benefit by them immediately and directly or from general taxation in view of the taxes already paid by them all these years. Judging from the notifications published in the "Hindu", even in big cities like Madura, it is the bad spots of limited areas that are notified for improvements and things are not being dealt with in such a haphazard way as the Mangalore Municipal Council has done. In his visit of 1924 or his subsequent visits, this area would not have escaped the eye of that keen Town Planning expert Mr. Dann, if it really needed attention.

). We learn also that it is proposed in the scheme to open a new road from east to west on the southern side of the Milagres Church Compound at a distance of only 70 feet from it running through ts frontage and connecting it with the Sturrock oad. There is already the Falnir Road running on ts northern side at a distance of 78 feet and there s also no necessity for this. The Sturrock Road an as well be joined to the Nandigudda road through

the intervening fields or to the Hampankatta-Railway road without interfering with the Milagres Church Compound. This compound which is the centre of the town is an inam land granted to the Church by the Old Hindu Rajahs more than 300 years ago and confirmed by the British Government. The frontage which is only about an acre in extent is hardly sufficient for the needs of the large number of Christians who congregate there every year numbering about 6000 on religious occasions like Milagres Parish Feast, Good Friday, etc., and ceremonial occasions such as reception to Bishops, Church Dignitaries, etc., and is also used for religious processions several times in a year. If a road is opened here processions of other communities with the music, even funeral processions, cart and bus traffic and objectionable music may pass through it and our ceremonies will be seriously disturbed, and will have to be temporarily stopped. The Falnir Road itself is, at times causing a disturbance to church ceremonies, and if the proposed road is opened, there will be intolerable disturbance. The sacredness of the Church is the same as in the case of Mohammedan Mosques or Hindu Temples. In fact on the area proposed for the road stood the Old Milagres Church School and for want of space for religious occasions and processions, it was shifted to a different locality which is also Church property. The Milagres Church also has a historical importance of more than 300 years: the older building was demolished by Tippu Sultan and the Christians with the help of the British Government renovated it in about 1815 after their return from the Captivity of Seringa-

patam which was merited by them for having assisted the British Commanding Officer of the Mangalore Fort. Any interference with the sacred precincts of the Church would be strongly resented by the entire body of Christian worshippers. We believe that the Act and Rule 26 (d) of the Rules of 1933 provide in a General Town Planning Scheme, the preservation of the Milagres Church and its precincts on account of its historical importance and of its being used for religious purposes and regarded by the public with special veneration. On two sides as this area has got roads, no improvement scheme is necessary for an area which needs none. On 10-4-1942 the Vicar Rt.Rev.Mgr.J.L.D'Souza on behalf of the parishioners has already sent to the Council his representations in this regard, objecting to the scheme. A plan showing the frontage of the Church with the existing road and the proposed road has been hereto annexed. p33 infra

10. We have already referred to the areas of the Town which are a serious menace to the health of the clean portions like ours and for which Town Planning Scheme from 1926 have been pending. These are items (1), (3), (4) and (6) referred to in para 4 above, and form about a third of the town, i.e., Golikatte, Central and Market and portions of Cantonment, Fort, Jeppu, and Codialbail West Wards. The Deputy Sanitary Engineer who under instructions from Government inspected the town in about 1927 reported that the entire area of the town needed no scientific drainage systems and restricted the area to the above one-third portion of the town. The Scheme consists of open drains and intercepting underground sewers and it has been held that it

could be carried out on the piece-meal system, the most insanitary quarters being dealt with first. So also the water supply scheme which would give 6 gallons per head per diem would only be necessary for the abovesaid area. In the rest of the town there are deep wells sunk at considerable cost by the owners which have always a permanent value even in the face of an aerial war, as was recently discovered in Madras. These wells also given an ample supply of clean water. As the Town Planning Act makes provision for drainage and water supply, the taxes of 2% recently imposed upon the whole town are unfair and inequitable. Those who receive "immediate and direct" benefits from such schemes should bear the burden by way of betterment tax. A considerable part of the work can be fitted into the draft Town Planning Scheme already prepared for these areas and matters pushed through, any deficits being met from the General Funds of the Municipality or contribution by Government. For the present the new taxes of 2% should be confined only to the area affected by the schemes. This is bare justice.

Collr's remarks on ¶ 5 supra & D.T.P.'s remarks on p 58 infra.

11. In conclusion we request that "The Town Planning Scheme" for our area may for the present be kept under suspension except for the area referred to in para 8 supra and that the proposed road referred to in para 9 be given up. ¶¶ 7-8 ante

Kusumakara Mukkala's ¶ 7 ante

D.T.P.'s remarks on pp. 55-57 infra.

We beg to remain,
Sir,
Your most obedient Servants,

Copies to:-
the Special Officer in charge
of the Mangalore Municipality.
" Director of Town Planning, Madras.
" Inspector of Local Boards &
Municipal Councils, Madras.

D. D'Souza Parish Priest Milagres Mangalore
R Britto (S. A. Lopeches Kanara Rauje) 11

Mary Vas,
A. Rebello
A Saldanha
T. Vaz.
R. Coelho
A. A Souza
Asbercia merchant & Landholder
Clemens Talukdar Mangalore
B. Lobo.

Isabella Patrao. Landlady & municipal rate payer
S. De Vas.

T Gomes
Juliana Brito.
May Saldanha.
D. D'Souza.
V. D'Souza.
M. Rebello
P. Coelho

P. A. Brito. Landowner and Municipal Rate payer.

Cyril G. Patrao Land owner

L. W. Rebello Coffee Planter Taluk.
James F. De vad, Retired Senior master, Govt Ed.
Letitia Fernandes
Molly Coelho.
A Coelho.
J. Lobo Retd Postal Clerk

G. D Souza

A. Perez
A. A. Souza. Soda water Manufacturer.

A. Alleluia

2. C. C. Britto.
M. H. Saldanha
L. Fernandes.
H. Guimarães.
Mrs Sain Returned by Collector Talmin
D. Diego Saldanha on leave.
A. M. Nascimentos
L. Sain.
Gastão de Souza
L. Saldanha
J. A. Saldanha.
G. M. C. Saldanha.
M. L. P. Saldanha.
M. Saldanha.
P. J. Saldanha.
P. Saldanha
Dulcina Lobo.
Maria Thereza Lobo.
E. P. Saldanha
A. Mamede.
F. D. Souza
A. D. Horta
J. Moreira
P. D'Souza
A. Noronha
Mary Britto
Dora Saldanha
S. T. Noronha
Lilly Mattos.
M. Siqueira

P. Louis & Sons. Cloth Merchant Mangalore.

13

A. Noronha Tailor merchant

J.M.D'Souza clerk. Nagarkars Bank. Ltd.

Charles Cunha merchant mangalore.

C. Rego Supdt. Volkart Bros' C.C. Works Mangalore

H. Braff Tailor Merchant

H. Hebbe Retd Postmaster

J. Lewis Clerk

H. Saldanha C/o the Mangalore Silk Co

A. Pereira Teacher St Aloysius College

M. D'Souza B.S.K. Co; Ltd. Langalore.

J. Fernandes St Aloysius Co

J. Rebello Silk Manufacturer.

C. Fernandes Asst Medical Officer N. Mullers

G. Britto Insurance

Peter Karastha Hotel Keeper.

Mr Sankar Bantwal Taluk. Mangalore

Municipal Sale Payer.

Lucy Morris

Mrs. Martha M. Lobo.

A. Coelho. Land lady.

Denis Saldanha Land Lord.

14 J. D'Souza (Agent Commission)
Mary Rego. (Land Lady)
Nos. Victor Vas Master Tailor
J. D. Coelho. Clerk.
Retired postmaster
Lucy Lobo Municipal Rate payer.
Joh D'Silva Land Lord
B. M. Lobo, do.
A. Fernandes municipal Rate payer
L. Pereira Municipal Rate payer
M. Lilies M.B.B.S. Asst. Resd. Physician & Radiologist
Dr. Fullers Asst. Surgeon, Kankanady.
Saldanha Head clerk. Dr. Fullers.
W. Saldanha clerk Dr Fullers
A Nazareth, clerk Kankanady Hospital, Mangalore
Peter J. D'souza. clerk. Kankanady Hospital, Mangalore
W. Saldanha, clerk, Kankanady. Hosp., Mangalore
C. S. D'sa. clerk. Kankanady. Mangalore
A. Pinto, clerk at Father Muller's, rate payer,
Vincent Fernandes, Bijai, Mangalore.
Gualbert V. D'Souza, Bondel. Mangalore
Victor D'Sa. Kankanady Mangalore
Fernandes (clerk Dr. Fr. D.), clerk. Dr. Fullers
Basil D'Souza Land Lord clerk Dr. Fullers
Fernandes clerk, clerk. Dr. Fullers's
B. Menezes clerk Dr. Fuller's
B. Rao clerk Dr. Fuller's
A. Coby clerk Dr. Fuller's
Mathias clerk Dr. Fuller's
Fernandes clerk Dr. Fuller's
Clerk Dr. Fuller's
H. Alvares clerk Dr. Fuller's
Rocha clerk Dr. Fuller's

D. Coelho. Assistant Principal Inspectorate 15
16. xi. 1942 of Customs & Central Excises, Central Board of Revenue,

A. Fernandez Land Lady

Agent

Fernands O.A. Clerk. Dr Police office. Mangalore

M. Fernandes Land lady

Ruy Saldanha.

Matilda C. Peris Land Lady

A. J. Coelho. Rate payer

Geo. Coelho Landowner

Irene Coelho. Rate payer.

Marie Baito. [illegible]

Alice M. Dsouza.

Juliana. Dsouza. Land-Lady.

Marcelline Coelho.

A. M. Castelino Retired Secretary Catholic Bank Ltd. Mangalore

Mabel Castelino.

Louie Saldanha.

S. Mathias, Jr. Executor The Estate of the late Diwan Bahadur S. L. Mathias K.S.G.

Julian Vas Municipal rate payer.

Mr. S. S. Mathias Coffee & Tea Planter

Ramanath Rowen Bendoor. Mangalore.

S. Nobles Valencia, Mangalore.

D. Mascarenhas Hd Clerk The Estate of the late Diwan Bahadur S. L. Mathias K.S.G.

P. Vasu Shetty Clerk to Sri. P. M. Hegde. C.D.A. R.A. Auditor, Mangalore.

Lokayya Clerk to Sri. P. M. Hegde. C.D.A. R.A. Auditor, Mangalore.

Wm Mathias. Dons Executor &
" " (
Manager. The Estate of the late
Diwan Bahadur S. L. Mathias K.S.G.

Antonia. Son of Joseph Pereira
residing at Valencia
Mangalore town.

Blas Plants.

Albert V. D'Souza. Milagres. Mangalore.

L.W. Mathias Indian catholic Bren.
P. Barrett Milagres, Mangalore
Indian catholic Bren.
J.L. Lasrado Milagres, Mangalore

Das Clerk gm's Pais, Leslie & Co. Ltd: mangalore
A Pais Clerk M/s Pierce Leslie & Co Ltd Mangalore.
H Fernandez - merchants Agents Bunder
Mangalore -

L.V. Braganza. Copper merchants Bunder Road. Mangalore.
E.F.X. Braganza Copper merchant Bunder Road Mangalore
Joaquim D'Souza Do ——

A.P. Lobo Book Binder.

Lobo Bros. Book Binders & Book sellers
D. Mello Clerk M/s. M. Pais & Sons. Mangalore.
W. Fernandes, Dr. Pais & Sons Mangalore
& 2 Brs Cloth merchant.

L.W.F. Mangalore Commission agent Mangalore
A. de Rodrigues Merchant, Mangalore
Pascal D'Souza Cloth Merchant,
J.A. D'Souza Teacher Rosario Convent School.
Mangalore
Jacob D'Souza Cloth merchant Market Road

John M. D'Souza, clerk H. Mullers

C Pinto C. C. Pinto Postoffice Kankanady

T. Blagg. clerk p.o Kankanady

B Pinto os. Filter

A D'Souza shop keeper.

A. L. Rocha, Retired Dt. munsiffs Court.

Cimento, Retired Sub assistant Surgeon.

+ Bostião Lobo, Shop-Keeper, Falnir.

J. M. Rodrigues, Clerk

ಪೈ ಪೈ ಎಸ್ ಪೈ, weaving factory owner, Falnir.

Sl. Lobo. Coffee Planter.

Fm. Lopez, clerk New Zealand Ins Co. Ltd.;

Rlewis, Teacher St. Aloysius' College, Mangalore.

Gilbert J Pinto. B. A. Ll. B.

Peter Tellis District Court Dalayath

Pensioner. Koriabail, Mangalore Town.

A Pinto, clerk Municipal Hall Mangalore.

Rank — Retired from Service of Vaccination

Mary Pinto, Landlady.

A. F. Dias Land holder.

A D'Souza. Manager Archibald Estate

L. Rodrigues. Land holder.

D. Pais clerk & Land holder

A D'Souza, Retired Coffee Estate Superintendant.

P. D'Souza, Retired Teacher.

B. Miranda Retired clerk.

L. Tovar Prop: Oriental Store, Balmatta.

Basastelina, Lighthouse Hill

18
Sebastian Silva, Coffee Estate writer (Retd), Lighthouse Hill.
Pauline Silva, Lighthouse Hill.
J.B. Frank, Lighthouse Hill.

A. L. S. Law-Lotus. magazine

E. Pais Land Lady Lighthouse Hill Land lady.
A. Mascarenhas Land Lady.
Lucy Mascarenhas. Land Lady.
Helen Pais Land lady
Dulcie Mascarenhas. Land lady
Seraphine Saldanha. Baker.
Jane Pinto " Rate payer.
Agnes Rodrigues. milagres gardens.
Lily Rodrigues. " "

Victoria Vas.
Matilda Vas Land Lady.

Abel Lady teacher.

Saldanhas Coffee Planter.

Elise Mathia Land lady.
Pulcheria Saldanha Land Lady.

Grover - Insurance Official
Erne Vas - Land Lady.
Frank M. Saldanha
Coffee Planter
~~H. Fernandez~~ Medical Practitioner
22/11/42
(Saldanha Clerk. Asst. Workshops
Asst. Insp. Works
Insurance Works
J. H. Saldanha Clerk Catholic Bank Ltd.

K. Weltha.
J. D'Souza.
Mrs. L. De Va.
" D' Silva
" L. Pinto,
" J. Tellis.
" A. Mascarenhas.
" J. S. Monteiro.
" [illegible]
" Amy Peris.
" mr Rebello
" Juliana Gonsalves.
miss Rose Vaz.
[illegible]
Gracy Pereira
Regina D'Souza.
Elizabeth Sequeira.
Ededa Alvares.
Mary Ann Alvares.
Mrs. Helena D'Souza.
[illegible]
Rit. Customs Collr. Bombay
A. Vas.
B. De Souza.
Eric D'Souza
Elias Lobo
Wilfred Tellis
Valerine D'Souza
J. Lazarado
L. Rebello
S. Rebello
D. Rebello
D. Pahao.
C. Pahao.
M. Pahao.
[illegible]
[illegible]

P. Weltha
C. D'Souza.

Veens Raymond D'Souza

Edda
M. Saldanha.
Joe. Sequeira.
Kenneth M. Butt.
Stanley Mascarenhas.
Jmenezes.
Jossy Vaz.
Afreen

Pius Baptist D'Souza
Gonsalves Arthur
Cecy Lobo.
Concepta Menezes.
[illegible]
L. P. Fernandes B.A. LLB
J. H. Nurses Hospital
D'souza
[illegible]
Joseph D'souza.
William Tellis.
Michael D'a
Walter. D'Souza.
John. Pastelinos
William D'Souza.
Gilbert Coelho.
Richard Pinto.
Lionus Saldanha
Antony Gonsalves
Pany Gonsalves
Jerome Lobo.

Year 20 27

Golden Acheevers

A Ltm P. D'Silva
J. B. Braggs
J. Braggs.
J. D'Souza
M. A. L. D'souza.
E Braggs.
M. Noronha.
E. D'Silva
J. Rego.
L. Noronha.
A. Noronha.
E. Noronha.
C. Noronha.
B. Rego.
H. Rego.
M. Rebello.
E. Rebello.
E. Rebello
M. Menezes.
A. Fernandes
C. Siqueira
Bullar
de
Lais
L. Domingo
C. P.
D. Fernandes
P. Fernandes.
V. Fernandes
D. Fernandes
Bolobo
T. J. Pais
A. Mazquita

Lawrence DeSilva
Franklin Pais
F. M. Mathias
Dominic D Souza
Antony Cunha
Reginald Sequira
Archie Pinto
Edward Sequira
Thomas Castileno
Thomas D'Souza
Crasta Valerine
M. D'Emos
B. Pereira

Julius D'Souza

Salvador Gonsalves, Land Lord residing at Court, Mangalore Town.
E. Rebello Municipal rate payer
K. Saldanha. N. Work Instructress
Mrs. E. E. Gonsalves.
V. Saldanha, Retd. Subhedar.
J. J. Moraes Principal, Govt. Arts Coll.
H. Lewis B.A., L.T., St. Aloysius College, Mangalore.
Mrs. Lewis c/o. B. Pinto Mangalore.
A. J. Pereira - Clerk, Collector's Office, Mangalore
W. Saldanha Retired Taluk Head Acct. Mangalore
J. F. Viegas, Merchant - Falnir. Mangalore.
Matthew D'Souza Attavar
L. Menezes Music Master Mangalore
Lawrence Lobo. Teacher undertaking Mangalore.
Aloysius D'cunha, Clerk, Nagarkoil Bank, Ltd Mangalore.
M. Godinho
Cornelio Barkur Collr. Office Mangalore
Wilhelm Saldanha Coffee Planter, Mangalore
(Mrs) Violet Saldanha
E. Saldanha Coffee Planter Mangalore
C. D'Souza
Aubrey Saldanha.
Mary Lobo
Mrs W. L. Pereira.

J. Silva Reon
Ex Civil Merchant
Mrs Agnes Seldanha
T. L. Dsouza - Retired merchant
Fernandes, Retired Examiner, District Courts
Francis Pinto Land owner
Rebello Retired Rly Servant, B.B.&C.I. Rly.
Fichter
J. P. Lobo Asst. Oriental Life office Mangalore.
P. Rodrigues
Monteiro clerk, Volkart Brothers, C.C. Works, Mangalore
Clerk, Printers, Mangalore
Compositor Codialbail Press Mangalore.
J. Fernandes B.A. L.T. Teacher St. Aloysius College
Asst Postmaster
Bolar. Mangalore.
R Fernandes of M/s. Richards Bros
A. D'Souza, Retired Clerk N.C. Dispy. Mangalore.
J Brito B.A. L.T. Teacher
St Aloysius' College, Mangalore
Bolar, Mangalore.

Teresa Telles.

Rosie Menezes.

Mary Lasquinha Municipal rate payer. 23/

J. B. Sato.

M. Saldanha

I. Saldanha

Lysaldes

Retired Forest Ranger

M. Mascarenhas.

F. Mascarenhas Asst. Inspector of Govt. Livestock

A. Mascarenhas.

Cattista Saldanha, Highland Coffee Works, Coffee curer Mangalore

Jos. G. H. Saldanha. Highland Coffee Works ".

Cecha Saldanha.

M. Saldanha

Elsie Saldanha.

D. Pinto, Agent, Oriental Life. Ins. Co.

Pauline Vas. Land owner.

T. Mascarenhas, Landowner Govt. Pensnr.

Helen Mascarenhas

Flory Alvares

Adelina Saldanha. Land Lady.

Theresa Saldanha

R. T. Mathias, Bolgal, Shiroor Rd.

R. Mathias

[illegible]

D. Saldanha. Mulki

E. Saldanha. Little Cole

E. Saldanha. Littleat

24 247

M. C Saldanha. Flora House

R. Pais.

J. D'Souza Merchant.

B Nicholas St. Antony's Charity Institutes

B. Lobo . Clerk. St. Antony's Charity Institutes

A. Fernandes - Teacher, Milagres Sec. School, Mangalore.

B. Sequeira . Teacher Milagres Sec. School Mangalore.

A Mascarenhas : Teacher, Milagres. Sec. School. Mangalore.

L. D'Silva : Teacher, Milagres Sec. School Mangalore

Br Bonaventure F.C. Milagres. Sec. School, Mangalore.

A. C. Monteiro B. A. LL. Advocate, Ex-Chairman Municipal Councillor, and Ex. Vice-President, St. Boards, S. Kanara.

D'Souza Secretary, M. R. C. P. Fund, Limited, Mangalore

B. Fonseca, Clerk M. R. C. P. Fund Ltd. Mangalore.

Moreno, Cashier. The M. R. C. P. Fund Ltd. Mangalore.

Typewriting Clerk. M. R. C. P. Fund Ltd., Mangalore.

Br Felix O. C. Manager, Codialbail Press,

J. J. D'Souza, Clerk, Codialbail Press

Branco Head Clerk, Codialbail Press, Mangalore

Silva, Clerk, Codialbail Press, Mangalore.

Alexander D'Souza Codialbail Press Mangalore

P. Pereira, Codialbail Press, Mangalore

A. Pinto Codialbail Press Mangalore.

Fernandes Codialbail Press Mangalore.

Alvares, Clerk, Codialbail Press, Mangalore

B. D'Souza Manager, Mangalore

Joyce Saldanha

A. Peris. Salmin
A. Peris
H. Nazareth.
A. Viegas
Frederick D Coll^a cycle supplies

Souza.
Peter D'souza; Baker.
(Rent) J. Lobo

Rola Lobo.
A. M. Saldanha. Coffee Planter
J. A. L. Castelino Govt Pensioner
Saldanha
Christian Saldanha
Clerk in
J. C. T., Retd Jailor & Ex Superintendent
do do do do of Jails.
Rosalina

Saldanha, Landholder.
A. Castelino. Retired Head clerk, G. J. P. Ry.
D. Saldanha Typist & Steno with A. Saldanha.

J. D'Souza
Asst Master clerk B. S. N. Co & ex'd Mangalore
Asst Bank, clerk Imperial Bk of India, Mangalore

P. L. Dsouza
P. D. J. Maguire
G. Salduna Dentist
E. Pereira. Tile manufacturer
A. P. Fagueira Stamps Vendor, Coll's - Offices
Bank Cashier
G. P. Pinto Obrato Land-holder

Laurence Quadros Mason And contractor
Ebsaldanha, Dental Surgeon.
A. Pinto
L. D'Souza.
E. Barnes Noronha Retired Excise Insp. Mangalore
A. Rosario Mosias. Asst. Medical officer, Dr. Mullers Hospital
Rosie Coelho.
S. B - D. Rebello. Tile manufacturer
C. M. C. Rebello Mangalore
E. A. Rebello.
F. Noronha. Municipal rate payer.
A. Viegas merchant.
Stella Vargas
[illegible] Law Holder.
[illegible] Law Holder.
[illegible] Law Holder
J. M. Mathias. Balmattal
Flossie B. Mathias Balmattal
S. M. Peters.
A. J. Peters, Veterinary Surgeon
Ants Peters Clerk. Dr P. D (Dr Mullers Hospital)
H. M. R. Peters
A. S. Peters Veterinary Practitioner
M. D'Souza. Municipal Rate payer.
F. M. Lobo
Teresa Lobo
Dr. Margaret Doris
M. Lobo.
A. L. Gonsalves

J. A. Saldanha Balmatta Road.
Alice Saldanha Balmatta Road
Gertie Saldanha. Balmatta Road.
A. A. Saldanha Mangalore,
~~A. J. Mendonca.~~ Hampankatta Merchant.
W. Pinto (Merchant)
~~A Castelino~~ Retd District Veterinary officer
P. B - Saldanha Land holder
Fernandes - Clerk - Catholic Club, Mangalore.
~~Secretary~~ Catholic Association of South Kanara
E. L. Pinto Coffee planter
V. M. Joseph. Professor. St. Aloysius College
J. M. Fernandes. Chemists Druggist
Hampankatta
~~B. Pinto~~ Secretary. M. C. C. Bank.
~~Mr~~ Castelino, Clerk, M. C. C. Bank Ltd.
~~A. D'Souza~~ cloth merchant.
~~A. D'Souza~~ merchant
~~M.~~ Fernandes, Clerk, Mangalore
~~J.~~ Shetty. Treasurer, M. C. C. Bank Ltd, Angloed-
R. Lagueira Attender M C C Bank
J. Rodrigues C/o Basdawara Basel Mission Printing Press Mangalore.
~~Lobo~~ Louis and Rasangalpady Mangalore.
~~B. D'Souza~~ The Catholic Bank Ltd.
Dhanraj M C C Bank. Mangalore.
~~C. V. Sar~~ Secretary The Catholic Bank Ltd, Mlore
~~P. B. Castelino~~ Asst. Clerk. The Catholic Bank Ltd. Mlore

Cashier The Catholic Bank Ltd Mangalore

Clerk, Mangalore Clerk, Catholic Bank Ltd

Vas Lane, Kankanady

Milagres Gardens.

Coffee Planter

News Agent Seller.

Registered medical Practitioner, Mangalore

Clerk, Popular Insurance Co., Ltd., Mangalore

Steno-Typist Popular Insurance Co., Ltd., Mangalore.

Clerk. Dr. G. L. Saldanha L.D.S. Dentist

Clerk at the Y.M.C.A. Shop Mangalore

retired chemist & Druggist Kampankatte Mangalore

No. 12. Prisoner war Camp.

Compounder E.H.D. Mangalore

C/o Vithaldas Madhavji

C/o Vithaldas Madhavji

Asst Asst Agent Mangalore.

Book seller Mangalore

Clerk, Messrs Peirce, Leslie & Co. Ltd Mangalore.

Agent, Bell & Co Ltd, Mangalore.

Clerk C.S.L. Stores Factory Mangalore

Typist, Bunder, Mangalore

Mangalore.

Silk Manufacturer & Land Lady.

Landlord Panambur Mangalore

Cecilia Vas.

D'Lobo Rao Sahib Retired Health Officer

Lucy Lobo .. Land owner.

Coffee planter

V G A Fernandes

A Fernandes.

Dulcina monteiro

Cecy Peres.

Mrs B. Lobo.

R A D Fernandes

Fernandes.

Pauline Tellis

F D'S Pais

Lizzie Menezes

Coffee Planter

A D'Fernandez

E. A. Benny

Dentist

C. Planter

M. Benny.

J D'Fernandes

Alice Fernandes

J. Fernandes.

C. M. Menezes.

F. J. Pais

F Pais.

I. J. D'Souza.

J. Dias

A D'Souza

L Luis

L Rodrigues

Mrs. A. Sanha

Mrs. Juliana Colaco

Alex. M. Abreo.

M. M. Abreo

Luez Abreo

Lena Abreo.

L. B. Gaeu

L. M. Mathias.

Amathias

R. mathias

A. Misquith.

Mrs. P. M. D'Souza

B. mathias

C. mathias.

Eugenia Saldanha.

E. A. Fernandes

P. Castelino

[illegible]

A. Fernandez.

R. F. Saldanha

Victor G. D'Souza

Clotilde Vaz

Caliste D'Souza

Xerophine J. D'Souza

B. Lobo

M. Mendes

Henrique. Pereira

Medical Practitioner.

E. M. Fernandes.

A. Lasrado

Elias D'Pinto

Louis D'Souza

A. Cunha

S. Miranda

A.D. Souza

L. Fernandez

L. Saldanha

J. Medina

R. D'Souza Merchant.

L. M. Cai Typist

[illegible]

Jno Dorcas

G. de Souza Watch Repairer and Electro Pla

G. D'Silva

Asquan Watch Repairer

Mark C. D'Souza

M. Lobo

John Saldanha

[illegible]

[illegible]

Charli D'Souza

[illegible]

[illegible]

Jivegas; Copper merchant.

Mangalorean Tailor

James Robert Dias Coelho

S. Sequeira Esquire & merchant.

[illegible]

[illegible]

[illegible]

H. [illegible] Merchant

John Lobo Tailor

D. Pinto Cloth merchant.

P. J. Lobo Business

[illegible] Market Rd, Mangalore.

J B Lewis Market Rd.

[illegible] Attavar Merchant

C. R. Monteiro. Contractor Mangalore

[illegible]

Market Stores

[illegible]

T. [illegible]

[illegible]

Jewel Merchant

[illegible]

B. D. Souza

E Sequeira

[illegible] cloth merchant mangalore. S. K.

James Pais, Cloth merchant

Helen Pais

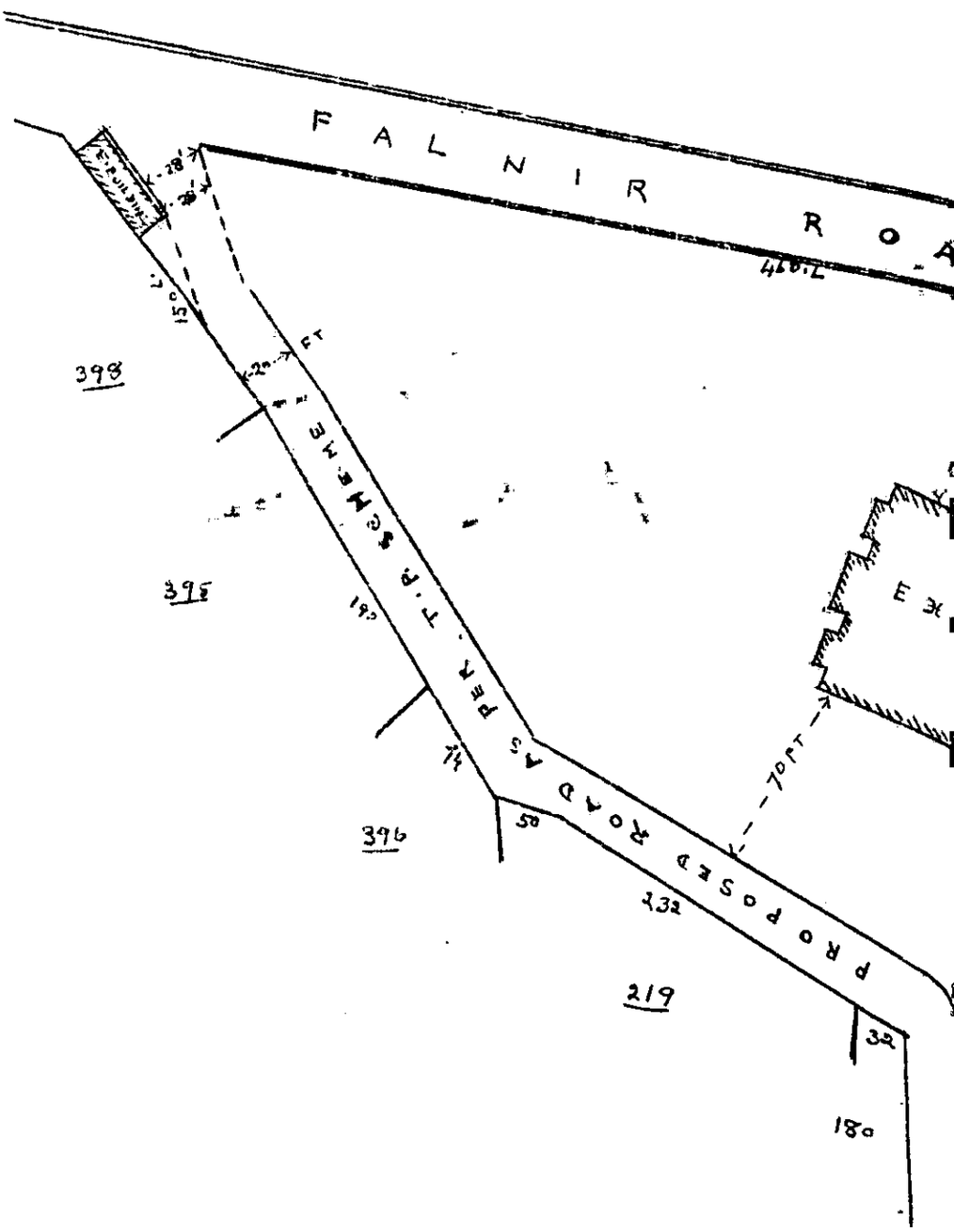
Stella Pais. Mangalore.

[illegible]

SITE P

MILAGRES CH

SCA



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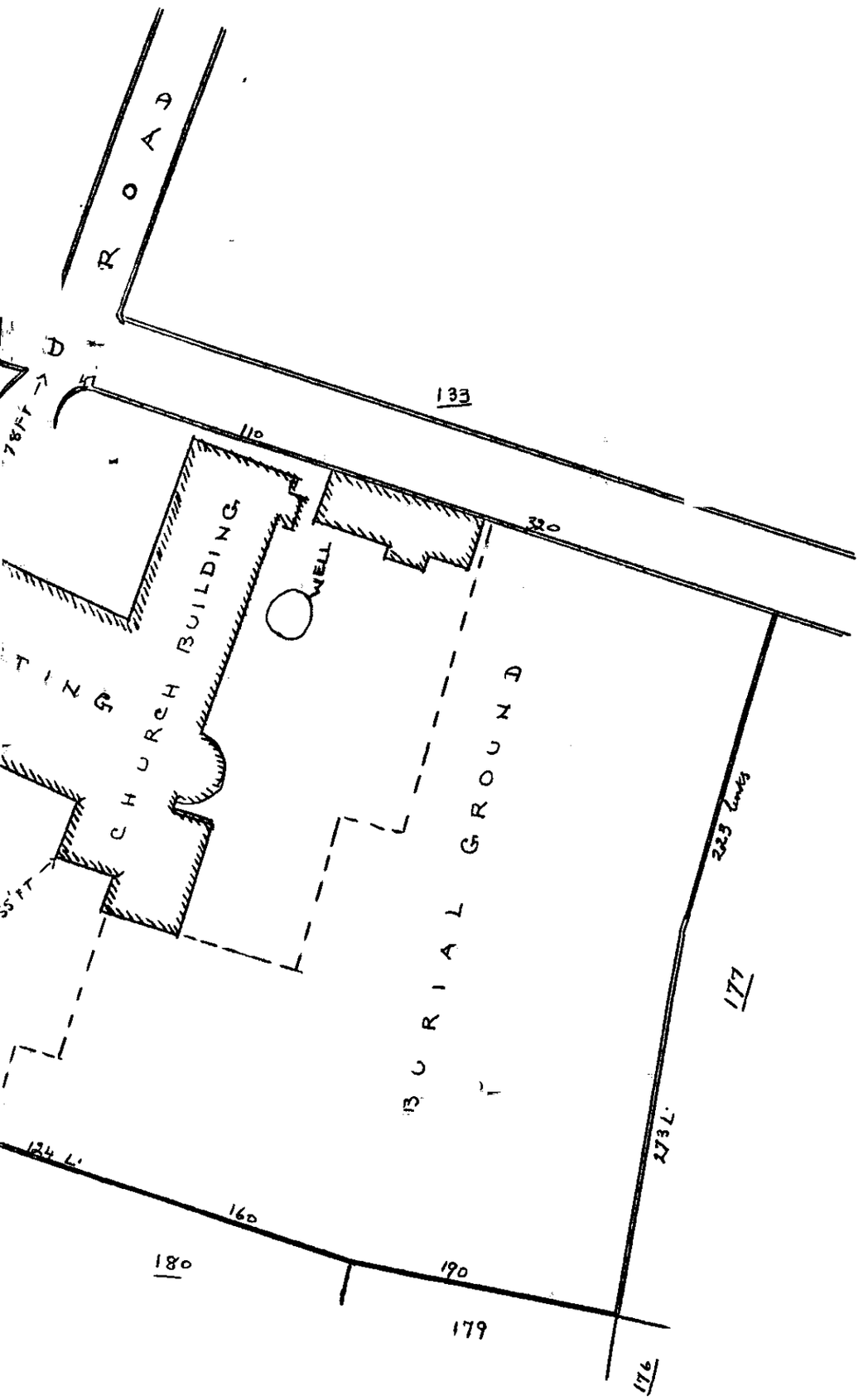

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Encl. 9377 (S) H-1 // 4.12.42

Town-Planning – Mangalore Municipality – Court Ward No. 15 & T. P. Scheme – objections against the M.L.C's resolution

Ref. From the Parishioners of the Milagres Church Hampankatta, Mangalore, d 8.11.42

Referred to the Commissioner, Mangalore Municipality for remarks through the D. T. P.

3.12.42.

To The Commissioner, Mangalore M[illegible]

Thro' the Chairman.

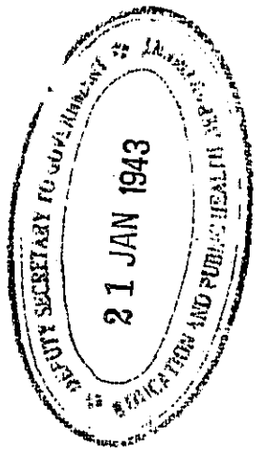
(R. 10/1/43.

C.F. 32.

In reply, please quote number, date and short title.

Local Administration DEPARTMENT.

Received *Registered*



From (Name) Sri K.Ramaswami Mudaliar,

(Designation) Commissioner, Mangalore Municipality,

Post Box ....., (Station) Mangalore.

Telegraphic Address.....

To The Secretary to the Government of Madras,
Education & Public Health Department,
Madras
Through - The Chairman,
Municipal Council, Mangalore.

No. C3/7524, *dated* 16th January 1943.

Sir,

Subject: Town Planning - Mangalore Municipality -- Court Ward No.15 - Town Planning Scheme - Objection petition against the Municipal Council's resolution - Reference from the Parishioners of the Milagres Church etc. Remarks offered.

Reference: Government Endorsement No. 9377(S) H1 Education & Public Health Department, dated the 4th December 1942.

On a resolution moved by one of the Councillors who is also a parishioner of Milagres Church and seconded by a resident councillor of the Court Ward, the Municipal council, Mangalore in its resolution No.14 dated the 11th July 1938, resolved under Section 9 of the Town Planning Act to prepare a scheme for the Court ward. In accordance with this resolution the Court Ward Town Planning scheme was notified under section 10 of the Madras Town Planning Act.

2. The main objections of the parishioners of the Milagres Church are, that

1) Prior schemes contemplated by the council have not been taken up for execution but instead of that new schemes are taken up without considering the question of priority.

2) The General Town Planning scheme is not yet sanctioned by Government and this is absolutely necessary so that the detailed schemes may conform to the General Town Planning scheme,

3) the Road near Milagres Church is unnecessary and may be dispensed with as it is objectionable, and

4) the area covered by the Court ward Town Planning scheme is properly planned except for a small area, for which alone the scheme is to be made applicable.

3. As regards the objection that other schemes proposed to be taken up by the council have not yet been actually proceeded with it may be seen that even out of the six schemes detailed below as not taken up by the Council, action has been taken in almost all the cases. Except the riverside improvement scheme which is a costly one all schemes are taken up either directly

1993 dt. 22/1/43

Enclosures 2.

Spare Copies.....

or indirectly e.g. in Macmin's garden the council has requested the persons in control of the required land to gift a strip for laying out roads to open up slum areas. Block No.10 and Guliga Hithlu portions form portions of Central and Market wards and hence it cannot be said that the council has not taken any action on these schemes. The Kodialbail East and West Ward schemes which were pending with the Director of Town Planning are just received with his approval. The Railway and Nandigudda schemes are pending issue of a revised notification under Section 14 of the Madras Town Planning Act. It is therefore clear that the schemes other than the Court ward, one contemplated by the council have been taken up and are in progress. There could be no force ~~for~~ in an argument that no new schemes should be started by the Council unless those that were previously under contemplation are finished. It is but natural that fresh schemes should be notified if they are in the interests of the progress of the town in Town Planning in the interests of the improvement of the town. Hampankatta is rising in importance day by day of late and a scheme for the ordered improvement of its vicinity is very desirable. It will not be a sound policy to post-pone this and divert attention on schemes like the proposed riverside extension schemes involving complications and heavy cost.

4. Another objection put forward by the petitioners is that the council has taken up the detailed schemes without taking up the General Town Planning scheme for the whole town first. There is no stipulation either in the Town Planning Act or in the rules framed by Government under the Act that a General Town Planning scheme should precede detailed schemes. Had this been an infringement of the provisions of the Town Planning Act or the rules, Government themselves would not have directed the council at this stage to take up detailed schemes. Besides the General Town Planning scheme is practically ready; after being examined by the Town Planning Department, it is returned to the Council for furnishing further particulars in the light of the observations made by the Director of Town Planning. The last objection about which the petitioners are very emphatic is about the opening up of a road to the right of the Milagres Church. There is already a poromboke lane at the eastern end of the proposed road. It is only proposed to regularise the connexion of this lane with Hampankatta which is under actual use as a road. Practically the pedastrians from Falnir take this short cut to go to Nandigudda road and Falnir Cross road and this has become a very popular path-way. The existing mamool pathway is to be converted into a pucca road 20 ft wide. It is not the intention of the council to interfere with the religious sentiments of the parishioners of the Church. On the other hand by opening up the road as proposed it gives greater prominence and beauty to the Church building and the proposed road is far enough not to interfere with the prayers going on. At any rate if the busy main road on the northern side is not a source of disturbance to the Church this by-road cannot be said to be prejudicial to the ceremonies of the Church in any manner. The existing path has been inspected by me on 23rd December 1942 and at the time of inspection a straw cart was passing through this pathway and pedestrians were walking along freely. It is evident therefore that even now it is practically a road. The proposed road will somewhat relieve the congestion in the main Falnir road which cannot be widened further. The road as proposed at present will join the Falnir Cross road at a point and branch to join the Nandigudda road. It will serve as a short cut to many localities of Falnir and Nandigudda from the main Hampankatta junction - the present main centre of the town.

Colr's remarks on 1.53 supra

D.T.P's remarks on pp 57-8 supra

D.T.P's remarks on 55-56 supra

5. The last point raised is that the area notified has been well planned and only a portion needs improvement. It is the intention of the Council to improve the undeveloped area in the locality and to prevent the area from becoming more congested. From the petition, it is clear, that it is more the fear of the levy of betterment tax that has actuated the protest against the scheme than either the necessity or the layout of the detailed scheme and such objections are likely to crop up against

pp 74 to end

all

9377(S).

39

all new schemes. I request that these objections may be overruled and the council may be permitted to push on with the scheme as originally proposed. The file of papers are resubmitted.

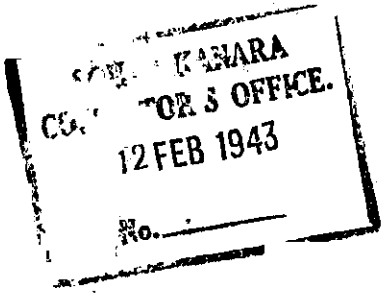
18-1-43.

1 Commissioner.

F o r w a r d e d:

Chairman,
Municipal Council.

40



Edn and
Public Health (H)

Referred to the Director of Town Planning for remarks

Colln
Hd St?
1.2.43

To The Director of Town Planning — Deputy Secretary
30.2.43

41 Ct PSt (14)

Petn from the parishioners of the Milapore Churches —

from the M.L.comm: Bangalore —

No C3 — 7524 - 40 Dy 16.1.43

Memo 9377 CS/H 2872 - 43

Refered to the Govt. of South Kanara

53.

42

for remarks ~~to~~ which should be submitted through the D.T.P.

LS
8.2.43

Cens
4.2.43

To

Mos with enclosures
Regd
Wpl 2

The Collr of
South Kanara
(with his C.
U.O. No. 23 dated 6th

Education & P.H. DEPARTMENT.

REMINDER. Public Health Branch.

To THE Director of Smtk Kanara

~~Reminder to invite~~
I am directed to invite attention to Memo

No. 9317 Sec 14-2 dated 8.2.43 and

~~to request that the reply to it may be expedited~~
request that this reminder may be returned at once with information as to—

(1) the stage at which the matter now is,

(2) the date by which a reply may be expected, and

(3) ~~the circumstances which have caused~~ the delay.

Office Secretariat

Station Strathorne Hill

Dated The 19th

Signature.
29.2.43
Asst. Secretary to Govt.
Designation.

SUBJECT.

Town Planning. Mangalore Mkt. Court ward T.P. Scheme — Petition from the Parishioners of the Milagres Church.

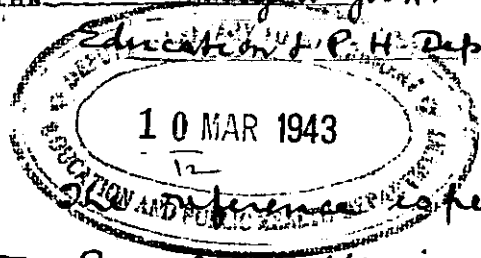
P.T.O.

R&O 26/4/43.

H 9377 (3) 42

REPLY.

To The Secretary to Govt.
Education & P. H. Dept.



Sir,

I have the honour to forward herewith the correspondence pending with the Rev. Divl. Officer, Mangalore. I shall submit my report soon after it is received from him

12/3/43.

6/3/43

For Collector

6/3/43

Edn & P H Secy

The Collector may be next reminded on 10.4.43

13/3/43.

17.3.43

Memo 9377(3) H 3 dated 11.4.13. Edu. & Health Dept H Section

Town Planning. Mangalore Mfg. Council and T. P. Scheme – Petition from the Parishioners of the Milagres Church.

Please Ref. Govt. Memo No. 9377(3) H 2 dated 8.2

The Collector of South Kanara is

be requested to expedite his reply to the Reference cited above.

10.4.43.

10/4/43

To The Collector of South Kanara.

Dfrd CC 13/4/43

(NR. 3-054-43)

C.F. 32 (a)

ASST. SECRETARY TO GOVT. 18 APR 1943 EDUCATION AND PUBLIC HEALTH DEPT.

H/P.S. 10764

From (Name) Sri K. Ramaswami Mudaliar Department

Designation Commissioner,

Station Mangalore Municipality.

Received ..... Registered 24/4/43

To The Secretary to Government,
Education & Public Health
Department, M a d r a s,

Through: The Chairman,
Municipal Council,
Mangalore.

Enclosures:

No. C3/7524/40 dated 10th April 1943.

Sir,

Subject: Town Planning - Mangalore Municipality - Court Ward No.15 Town Planning Scheme - Objection petition against the Municipal Council's resolution - Reference from the Parishioners of Milagres Church etc.

Reference: Government Endorsement No.9377(S) H1 Education & P.H. Department dated the 4th December 1942.

This office letter No.C3/7524/40, dated the 16th January 1943.

I request the favour of order on the above referenc

15.4.43
Commissioner.

Forwarded: 16.4.43.
Chairman, M.C.

H/15.4

Edn & C. H. Dept
H Section

Memo 9377 (S) H/42-4 dt 26/4/43

Town-Planning. Mangalore Mfy — Court Ward Town-Planning Scheme — Petition from the Parishioners of the Milagres Church.

12/27/4

From the Commissioner, Mangalore Mfy, No. C3/7524/40 dated 10.4.43.

dtd 28/4

The Commissioner, Mangalore Mfy is informed that the matter has been referred to the Collector of Mangalore Mfy for remarks and his reply thereon will be awaited.

2. The Collector of South Kanara is requested to expedite his reply to Govt. Memo. 9377 (S) H-2 dtd 8.2.43.

WS
26.6.43

(para 1 only) The Collector of South Kanara.

(para 2 only) 21.4.43

— Edn & H Deptt
H Section

9
1415

H 5

No. 9377 (S) H/42-5 dated 13.5.43.

Dear Mr. Karamatullah,

Town Planning. Mangalore Mg. Contwood Town Planning Scheme. Petition from the Parishioners of the Milagres church.

I am to invite a reference to Govt.

No

Memo no 9377(S) H-2 dated 8.2.43 on the subject noted above and to enquire when a reply may be expected.

12/5/43.

13.5.43

No 12578

Pp. 1-2 cf

To

M. Karamatullah Esqr.
P.C.S.
Collector of Sonkh
Kanpur.

(DOR. 5.6.43).

D.O.

South Kanara Collector's Office,
Mangalore, 27th May 1943.

My dear Subramanian,

Town-Planning - Mangalore Municipality - Court ward Town-Planning Scheme - Petition from the Parishioners of the Milagres Church.

Your D.O.No.9377(S) H-42-5, dated 13.5.43.

My report in the above matter has this day been separately sent through the Director of Town-Planning, Madras.

Yours sincerely,

K. Varadarajulu

To

V.V.Subramanian, Esq., I.C.S.,
Secretary to Government, Education &
Public Health Department, Madras.

Edn & P.H. Dept
H Section

The A.T.P. may be asked for the report on 16.6.43. if necessary.

5.6.43

DEPUTY SECRETARY TO GOVERNMENT EDUCATION AND PUBLIC HEALTH DEPARTMENT
31 MAY 1943
14364

Edn. & H. Deptt.

H. Section

Memo 9377(S) H/42-b

21.6.43.

14/7/43

Roll 7/43

-Town-Planning – Mangalore Mg –

Coastward Town-Planning Scheme

Petition from the Parishioners of the Milagres Church.

The D.T.P. is requested to say whether the report on the subject noted above has been received by him from the Collector of South Kanara and if so when he ~~proposes to~~ will transmit it to Govt. with his remarks.

20.6.43

17.6.43

The D.T.P. 23/6

(MR. 7.7.43) 7.7.43.

D.Dis.No. 1198-43. South Kanara Collector's Office,

Mangalore, dated: 27-5-1943.

From

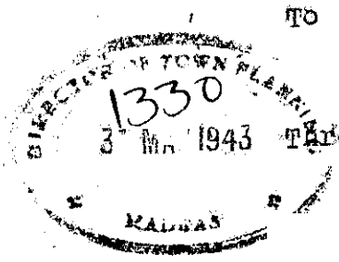
M. Karamatullah Esq., I.C.S.,
Collector of South Kanara.

To

The Secretary to the Government of Madras,
Education & Public Health Department,

Through

The Director of Town Planning,
M a d r a s.



TOWN PLANNING - Mangalore Municipality - Court ward Town Planning Scheme - Petition from the Parishioners of the Milagres Church - Remarks submitted.

Reference: (1) Govt.Memo No.9377-(S)-H-2 dated 8-2-1943;
(2) -Do- No.9377-(S)-42-4 dated 26-4-43 & 13-5-43.

The Municipal Commissioner has, in his report No.C-3/7584-40 dated 16-1-1943 dealt with the objections at some length. The Revenue Divisional Officer, Mangalore, to whom the paper was forwarded for local enquiry and inspection, fully agrees with the Commissioner's remarks and reports that the objections are untenable and may be over-ruled. I, however, wish to deal with the following special points raised in the objection petition and offer my remarks on each of them.

(1) Whether a detailed scheme can be set on foot before the General scheme is sanctioned by the Government.

(2) Whether any new detailed scheme can be started before --- schemes proposed earlier are actually brought into force, and

(3) Whether the Municipality can levy betterment tax in respect of some schemes only and not in respect of others.

Point (1):

It is under Section 8 of the Act that the General Schemes are to be set up, while the detailed schemes are to be made under the provisions of Sections 9 to 14 of the Act. Ordinarily no detailed schemes can be made unless the general principles are laid down. In the second sentence of para 4 of his report, the Commissioner says that there is no stipulation either in the Town Planning Act or the Rules framed thereunder that the General Schemes should precede detailed schemes and that if there was an infringement, the Government would themselves not have allowed the Council to take up the detailed schemes. This seems rather doubtful, for, rule 30 of the rules framed ~~there~~ under the Act, says that every draft town planning scheme prepared under Sections 9 to 14 (detailed scheme) shall follow or conform to the General Town Planning Scheme sanctioned by the Local Government and as for the time being in force. Evidently, because there has been no sanctioned general scheme in force for the time being, detailed schemes were so far being allowed and I don't think that such a procedure will go on for ever. I think it necessary that General Schemes should ordinarily precede detailed schemes and recommend that the Municipal Commissioner may be directed to hasten the completion of the General Scheme, which is said to be almost ready but for furnishing certain particulars in the light of the observations made by the Director of Town Planning, so that immediately after it is sanctioned, the Government may pass orders on the detailed scheme.

POINT (2):

Detailed schemes are made and adopted under the provisions of Sections 9 to 14 of the Act and rules 32 to 48 in Section B Part II of the Rules framed under the Act. There is nothing in these provisions to show that no new detailed scheme should be taken into force unless prior schemes are finished. Para 3 of the Commissioner's report also shows that most of the schemes started earlier are nearing completion or taken up in hand or -- are post-poned for valid reasons. There is therefore no point in the objection so far as this is concerned. D.TP's remarks re

POINT (3):

In para 5 of his report, the Municipal Commissioner says that it is more the fear of the levy of betterment tax than --- either the necessity or the lay out of the detailed scheme that has actuated the protest. He adds that such objections are --- likely to crop up against all new schemes. The Revenue Divi--sional Officer, Mangalore supports his contention. Under Sec--tion 23 of the Act, however, betterment tax can be levied only from the owners of properties the value of which has increased or is likely to increase by introducing the scheme. This is also clear from the provisions of rule 55 of the Rules which requires that the Municipal Council should file a ~~comp~~ claim for such tax before the arbitrator, who should give notice to the owner for the payment of the tax. It cannot therefore be definitely said that the fear of having to pay betterment tax is the sole ground for the objection, though it cannot be believed that the religious feelings will really be wounded by the proposed opening of a new road by the south-western side of the Milagres Church compound. It is, however, possible that those land-holders who entertained a fear of betterment tax set up others to bring forward the plea of sanctity of the church precincts and file the objection.

2. In the circumstances, I submit that final orders on the scheme may be passed only after the sanction of the General Scheme now pending with the Commissioner as stated above.

3. The connected records are enclosed. (pages 3 to 42)

For Collector

H

20091

C.F. 32.

In reply, please quote number, date and short title.

Town Planning DEPARTMENT.

Received – *Registered*

From (Name) K. Ramunni Menon Esq., M.A., Bar-at-Law, I.C.S.,

(Designation) Ex-Officio Director of Town Planning,

Post Box ....., (Station) Madras.

Telegraphic Address .....

DEPUTY SECRETARY TO GOVERNMENT
EDUCATION AND PUBLIC HEALTH DEPARTMENT
8 - JUL 1943

The Secretary to Government,

Education & Public Health Department.

Rc No. 1330, *dated* 3rd July 1943.

Sir,

SUB: Town Planning-Mangalore Municipality-Court Ward Town Planning Scheme-Petition from the Parishioners of the Milagres Church-Remarks submitted.

ENCLOSURES.....

-0-

REF: D.Dis.No.1195-43, dated 27-5-1943 from Collector of South Canara.

p53-54 ante

SPARE COPIES..... Forwarded. The following remarks are submitted:

Objection paragraph 7-8 ante

(1) Proposed 20 ft. road. The object of the detailed Town - Planning scheme is first and foremost to secure adequate street connections between the already existing main roads of the town, in particular areas and localities where buildings have already come up

P.T.O.

Court's summation p38 ante

and new buildings are rising up without the provision of streets laid down and made in accordance with the District Municipalities Act and Town Planning principles. Many sites and buildings in the scheme area are not provided with such streets which are of very great importance to people residing in different parts of the area, as well as also to the community as a whole. What is proposed to be done in this scheme area is to open certain wards in the area and also a road to connect Palnir main road on the north and Madiguda road on the south, having special regard to convenience and adaptability to existing development and state of affairs. The alignment of the latter road fixed by the Council is the only possible way of providing some sort of a street access in the locality owing to very irregular development and indiscriminate construction of buildings which have already taken place in pre-planning days and for which the council cannot now be accused. The council is not opening this road to serve the purpose of any Main traffic road but intend to make it a very ordinary street to serve only the purpose of giving some convenient access to sites and buildings in the locality. Only a narrow width of 20 ft. is proposed to be secured for the road while in fact such a road should ordinarily be at least 40 feet even according to the provisions of the District Municipalities Act (Sec.170(2)). Further, the road is not taken in a straight manner but has been aligned along the already existing pathways and lanes which are the existing means of access to sites and buildings in the area. No real objection can be raised against such a modest proposal of the municipal council by anybody.

The church itself would derive considerable benefit by the opening of a pucca road in place of the existing lane on the southern western side of its compound. On the one hand, the church cannot avoid the existence of the lane and its use by the public and on the other hand it must always be put to lot of inconvenience by the public trespassing over the church area for want of a convenient road as an unformed lane cannot really serve the public need. A well formed road in the place would serve to keep the church compound distinct from the residential and other buildings on the south-west side and add much to the beauty of the church site and building.

In these circumstances, the objection to the road may be overruled.

(2) General Town Planning Scheme. Theoratically a town must have a general Town Plannning scheme settled in advance of all detailed plans

and schemes for different areas comprising the town. This would be possible and should be done when a new town is to be laid out and developed. But in the case of a town already established and a major portion of it has become built up and further building operations are going on or have to be allowed from day to day, it is of utmost importance that those parts of the town which are in the course of development or where new developments are taking place or are likely to to take place should immediately be brought under statutory control and detailed planning of such areas settled without waiting for the formulation of the general plan of the town. Of course, every detailed plan and scheme for a particular area of the town should take into consideration the probable and possible development of the town as a whole and provide for it so far as may be anticipated at the time of the preparation of such detailed plan and scheme. If each detailed scheme is carefully prepared with due regard to the development of the adjoining scheme areas and to the general development of the town as a whole, it would be possible to avoid their clashing with the general plan and scheme that may be laid down in the future. The preparation of a general scheme is likely to take time and a municipality has in the meanwhile to regulate development of areas and building operations in different parts of the town. In the absence of detailed town planning schemes, the council cannot do this. Under the Town Planning Act it is often open to the municipal council to take up Town Planning schemes in advance of the preparation of the general scheme. The general scheme when it is prepared and sanctioned will override the provisions made in detailed schemes in so far as such provisions are repugnant to the general scheme. That is to say, the provisions of the detailed schemes will, to the extent of the repugnancy, be void.

Detailed Town Planning Schemes. Detailed schemes for individual areas of the town have to be taken up according to urgency and other circumstances. Although the preparation of a scheme may take its own time to be completed, it is necessary that a notification of an area for a scheme should be made at the earliest possible date in view of the fact that delay in making such notification will make acquisition of land(for public purposes)costly as land values are going on increasing

P.T.O.

from day to day, and also the income of the municipality from betterment contribution will become greatly reduced. It is absolutely necessary therefore for the municipal council to bring at an early date as many areas within the town as may be considered by it necessary under the scope of detailed town planning schemes from the points of view of both regulation of development and financial consideration., If the council cannot postpone taking action under the Act in respect of any particular area or areas until schemes for other areas are completed and submitted for sanction.

Betterment contribution. As observed by the Collector, the betterment contribution will be levied only in respect of lands which will be declared by the Arbitrator, after the sanction of the scheme, as liable for such levy and if they are found to have increased in value by the making of the scheme. No person can reasonably object to the scheme on the score of betterment levy so long as his property actually increases in value by the making of the scheme and not by any expenditure incurred by him.

for Ex-Officio Director of
Town Planning. MS.6.7.

59 Educ. & Dept

H Section

9377/46 H

Town-Planning. Mangalore Mkt — Council town Town Planning Scheme —

TR 30/7 46/30/7

Petition from the Parishioners of the Milagres Church Mangalore — Interference - declined.

pp 1-34 cf Petition from the Parishioners of the Milagres Church, Hampankatta, Mangalore, dated 8.11.4

pp 37-39 cf From the Commissioner, Mangalore Mkt, C3. 7524/40 dated 16.1.43.

pp 53 cf From the Collector of South Kanara, D. Dis. 1195-43 dated 27.5-43.

pp 55-56 cf. From the D.T.P. Rc. no. 1330 dated 3.7.43.

FD

G.O. Ms 1798 P.H. D/30.7.43.

The petitioners are informed that the Govt. decline to

To Rev. Father D-C. D'sousa,
Parish Priest, Milagres
Church, Mangalore.

To The Commissioner,
Mangalore City
thro' the
Chairman.
Collector of South
Kanara.
to all.
Director of
Town-Planning.

misfeasance in the matter.

28.7.43.

28.7.43

29.7.43.

Petition from the Parishioners of the Milagres Church, Hampankatta, Manglore, Dated 8-11-42.

[Issued as Endt. No. 9377 (s) H. dated 4-12-42.]

From the Commissioner, Manglore Mty. C.3./7524/40 dated 16-1-43.

[Issued as Memo. No. 9377 (s) H-2 dated 8-2-43.]

From the Collector of South Kanara, D.D. is No. 1195-43 dated 27-5-43.

From the D.T. P. Re. No. 1330 dated 3-3-43.

Town - Planning- Manglore Mty .--Court-ward Town Planning Scheme. Petition from the Parishioners of the Milagres Church.

The Manglore Municipal Council resolved to prepare a Town-planning scheme for the Court -ward area in the Mty. The Parishioners of the Milagres Church have raised the following objections to the sechme.

1. Prior shhemes contemplated by the council have not been taken up for execution but instead of that new schemes are taken up without considering the question of priority.

2. The General Town. Planning scheme is not yet sanctioned by Government and this is absolutely necessary so that the detailed schemes may conform to the General Town- Planning scheme.

3. The road near Milagres Church is unnecessary and may be dispensed with as it is objectionable and

4. The area covered by the seheme is properly planned except for a small area, for which alone the scheme is to be made applicable. The Commissioner, Manglore Mty. the Collector

of South Kanara and the D.T.P. who were consulted in the matter have offered their remarks vide pages 37-39 and 53-58 c.f. The Commissioner and the D.T.P. do not consider that the objections adduced are valid and recommend that they should be overruled. The Collector while making certain observations has suggested that the final orders on this scheme may be passed after the General Town Planning Scheme of the Municipality now pending with the Commissioner is sanctioned. The time granted for the publication of this scheme expires on 27-11-43, but the time granted for the submission of the General Town Planning Scheme will expire on 31-12-43 only. It is stated that the General scheme is practically ready. It is likely that it may be sanctioned long before this detailed scheme is finally sanctioned. It may however be pointed out that so far not a single General Town Planning scheme has been sanctioned for any Municipality. Notwithstanding this fact a number of detailed schemes have been sanctioned in various municipalities. In this particular municipality alone three detailed schemes have already been sanctioned. In the circumstances it is for orders whether the objections in the present case may be overruled and the council permitted to push on with the scheme.

This is not the time for raising
.7.43. 26.7.43 objections. The Provincial Govt have to
consider the objections only under Section 14(2) after the
Council submits the Scheme, and the Council, when
submitting the Scheme has to enclose all written
objections or suggestions received under Sec 14(1).
In view of the fact that the both raises no
point the then the one referred to at 'A' above
interference may be declined.

27.7.43

I agree

A4:

28.7.43.

A draft order is submitted.

27.7.43

SECRETARY TO GOVERNMENT 1943 DEPARTMENT
SECRETARIAT, EDN. AND P. H. DEPTT. 27 JUL 1943 GOVERNMENT OF MADRAS